IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Bhanwar Lal Vs. State of Rajasthan

S.B.CR.MISC. PETITION NO.973/2005

DATE OF ORDER :: July 18, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.D.S.Udawat, for the petitioner.
Mr. Ashok Upadhyaya, P.P.

BY THE COURT:

This criminal misc. petition under section 482 Cr.P.C. is directed against the order dt. 8.8.2005 passed by the Additional Sessions Judge (Fast Track) No.1, Pali, Headquarters Jaitaran (for short 'the revisional court' hereinafter), whereby the revision petition filed by the petitioner against the order dt. 24.8.2004 passed by the Judicial Magistrate, First Class, Barr (for short 'the trial court' hereinafter), was dismissed.

I have heard learned counsel for the parties. Carefully gone through the orders passed by both the courts below.

From the order impugned, it appears that a tractor along with trolley and cultivator's plough discs were sold by the petitioner to one Dhagla Ram and in turn, Dhagla Ram sold the same to Gumana Ram Devasi. The transaction took place by way of agreement. It appears from the order impugned that the petitioner, who was registered owner of the said tractor, lodged a first information report on 4.11.1999 that a month ago someone has taken away his tractor, trolley and plough discs and cultivators. This FIR on being thorough investigation, the police did not find to be correct as certain documents including the sale letter showing the transfer and ownership etc. were in favour of Dhagla Ram to whom the petitioner sold tractor, trolley and plough discs by agreement. However, it appears that some amount was outstanding to the purchaser Dhagla Ram and Dhagla Ram was to pay the remaining amount of Rs.20,000/- to the petitioner. Dhagla Ram sold the said tractor along with trolley and cultivator's plough discs etc. to Gumana Ram. The document to that effect i.e. agreement to sell is also on record. The petitioner facing non-payment of remaining amount of Rs.20,000/-, lodged a report with the police on 4.11.1999 regarding theft of the tractor and trolley showing the occurrence a month ago, however, after investigation the police did not find the case and submitted the negative final report holding therein that the said tractor and trolley along with apparatus have been

sold by the petitioner to Dhagla Ram and Dhagla Ram sold the same to Gumana Ram, however, registration was in favour of the petitioner. Finding the matter of purely a civil transaction, the police filed the negative final report by discussing the entire evidence collected by the police. The trial court by well reasoned order, accepted the negative final report and dismissed the protest petition filed by the petitioner.

On a revision to the revisional court, the revisional court did not find any error in the order of the trial court and accordingly dismissed the revision filed by the petitioner.

On careful perusal of the orders of both the courts below, in my view, the trial court was justified in accepting the negative final report and also in dismissing the protest petition as there being no sufficient material to proceed against the persons alleged in the FIR. It cannot be said that the order impugned would result in serious miscarriage of justice or abuse of process of any court warranting interference in the inherent jurisdiction.

The petition has no force and, therefore, it is dismissed. Stay petition also stands dismissed.

[H.R.PANWAR],J.

m.asif/-